

UNITED STATES PATENT AND TRADEMARK OFFICE

CINITED STATES DEPARTMENT OF COMMERCE United States Patent and Trademark Office Address: COMMISSIONER FOR PATENTS P.O. Box 1450 Alexandria, Virginia 22313-1450 www.usplo.gov

Γ	APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
	10/049,610	06/06/2002	Julie C. Double	P 0284989	4555
	909 7590 10:22:2004 PILLSBURY WINTHROP, LLP			EXAMINER	
				SCHILLING, RICHARD L	
	P.O. BOX 10500 MCLEAN, VA 22102		ART UNIT	PAPER NUMBER	
				1752	9
			DATE MAILED: 10/22/2004		

Please find below and/or attached an Office communication concerning this application or proceeding.

Application No. Application Application					- (
Examiner Richard L Schilling The MAILING DATE of this communication appears on the cover sheet with the correspondence address Period for Reply A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION. Extensions of time may be available under the previouse of 37 CFR 1.135(a). In no event, however, may a reply be timely filled If the period for reply sepecified above, the near-near statutory prior will be be clasticely minimum of thing (30) days will be considered timely. If the period for reply sepecified above, the near-near statutory prior will not be about prior prior to the mailing date of this communication. If the period for reply sepecified above, the near-near statutory prior will not be a statutory prior to the mailing date of this communication, even if timely filled, may reduce any If the period for reply sepecified above, the near-near statutory prior will not be a statutory prior to the prior ty documents have been received			Application No.	Applicant(s)	- \.				
Claim(s)			10/049,610	DOUBLE ET AL.					
The MALING DATE of this communication appears on the cover sheet with the correspondence address → Period for Reply A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE ② MONTH(S) FROM THE MALING DATE OF THIS COMMUNICATION. Extension of tenium gate variable under the provisions of 3° CRE 1.13(g). In no event, however, may a reply be timely filed Extension of tenium gate variable under the provisions of 3° CRE 1.13(g). In no event, however, may a reply be timely filed Extension of tenium gate variable under the provisions of 3° CRE 1.13(g). In no event, however, may a reply be timely filed Extension of tenium gate and the timely (30 days, a very within the stability minimum of thity (30) days will be considered timely. Extension of tenium gate and the communication of the prophy will, by stability, causes the application is become a RANGONED (39 U.S.C. § 133). Final properties them adjustment. See 3° CRE 1.70(g). **This action is FINAL.** 1) ② Responsive to communication(s) filed on 10 September 2004. 2a) ② This action is FINAL.** 2b) ☐ This action is non-flinal. 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under Ex parte Quayle, 1935 C.D. 11, 453 O.G. 213. **Disposition of Claims** 2bisposition of Claims** 2c) ☐ Claim(s) ☐ 1.30 3.26 is/are pending in the application. 4a) Of the above claim(s) ☐ is/are allowed. 6b) ☐ Claim(s) ☐ is/are allowed. 6c)		Office Action Summary	Examiner	Art Unit					
A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 2 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION. - Extensions of times may be are labeled under the protections of 37 CPR 1.136(s), in no event, however, may a reply be timely filled - Extensions of times may be are labeled under the protections of 37 CPR 1.136(s), in no event, however, may a reply be timely filled - Extensions of times may be are labeled under the protection of 37 CPR 1.136(s), in no event, however, may a reply be timely filled - Extensions of times by a specified above, the maximum solutions protected will apply and will expire size (3) days will be considered timely. - If NO period for rely is pecified above, the maximum solutions protected will apply and will expire size (3) days will be considered timely. - If NO period for rely is pecified above, the maximum solutions protected will apply and will expire all the communication. - Any reply exercised by the Office bethe three members are size and period will apply and will apply and will expire any office of the communication. - Any reply exceeded by the Office bethe three members are size and period will apply and ap				1					
THE MAILING DATE OF THIS COMMUNICATION. Extensions of time may be without early the provided under the provisions of 3 CFR 1.33(a). In no event, however, may a reply be timely filled after SIX (b) MODITINS from the mailing date of this communication. SIX (b) MODITINS from the mailing date of this communication. I NO part of reply's specified below, the maximum of a poly will by a fathery principal pays and via degris (x) (b) MODITINS from the mailing date of this communication. Failure to reply willish in soci or oxfonded partiol for reply will. by a father, cause the application to become ARANDONED (35 U.S.C. § 133). Any reply received by the Official forth and these mornials after the mailing date of this communication, even if timely filled, may reduce any exemple partition and application. Social social partition and provided any secure partition and provided any secure partition and provided any secure partition. 1) Responsive to communication(s) filled on 10 September 2004. 2a) This action is FINAL. 2b) This action is one-final. 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under Ex parte Quayle, 1935 C.D. 11, 453 O.G. 213. Disposition of Claims 4) Claim(s) 1 and 3-26 is/are pending in the application. 4a) Of the above claim(s) is/are withdrawn from consideration. 5) Claim(s) 1.3-28 is/are rejected. 7) Claim(s) is/are abjected to by the Examiner. Claim(s) is/are objected to by the Examiner. 10) The drawing(s) filed on is/are: a) accepted or b) objected to by the Examiner. Application Papers 9) The specification is objected to by the Examiner. 10) The drawing(s) filed on is/are: a) accepted or b) objected to by the Examiner. Applicant may not request that any objection is required if the drawing(s) is objected to. See 37 CFR 1.21(d). 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152. Priority under 35 U.S.C. § 119 12) Ack	Pe		ears on the cover sheet with the c	orrespondence address					
This action is FINAL. 2b) This action is non-final. 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under Ex parte Quayle, 1935 C.D. 11, 453 O.G. 213. Disposition of Claims 4) Claim(s) 1 and 3 26 is/are pending in the application. 4a) Of the above claim(s) is/are withdrawn from consideration. 5) Claim(s) 1.3 26 is/are rejected. 7) Claim(s) is/are allowed. 6) Claim(s) is/are objected to. 8) Claim(s) are subject to restriction and/or election requirement. Application Papers 9) The specification is objected to by the Examiner. 10) The drawing(s) filed on is/are: a) accepted or b) objected to by the Examiner. Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a). Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d). 11) The oath or dectaration is objected to by the Examiner. Note the attached Office Action or form PTO-152. Priority under 35 U.S.C. § 119 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f). a) All b) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f). a) All b) Some * c) None of: 1. Certified copies of the priority documents have been received in Application No 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)). * See the attached detailed Office action for a list of the certified copies not received.		THE MAILING DATE OF THIS COMMUNICATION. - Extensions of time may be available under the provisions of 37 CFR 1.13 after SIX (6) MONTHS from the mailing date of this communication. - If the period for reply specified above is less than thirty (30) days, a reply - If NO period for reply is specified above, the maximum statutory period w - Failure to reply within the set or extended period for reply will, by statute, - Any reply received by the Office later than three months after the mailing	66(a). In no event, however, may a reply be time within the statutory minimum of thirty (30) days ill apply and will expire SIX (6) MONTHS from cause the application to become ABANDONE	nely filed s will be considered timely. the mailing date of this communication. D (35 U.S.C. § 133).					
2a) ☐ This action is FINAL. 2b) ☐ This action is non-final. 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under Ex parte Quayle, 1935 C.D. 11, 453 O.G. 213. Disposition of Claims 4) ☐ Claim(s) 1 and 3-26 is/are pending in the application. 4a) Of the above claim(s) is/are withdrawn from consideration. 5) ☐ Claim(s) is/are allowed. 6) ☐ Claim(s) is/are ellowed. 6) ☐ Claim(s) is/are objected to. 8) ☐ Claim(s) is/are objected to. 8) ☐ Claim(s) is/are objected to. 9) ☐ The specification is objected to by the Examiner. 10) ☐ The drawing(s) filed on is/are: a accepted or b objected to by the Examiner. Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a). Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d). 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152. Priority under 35 U.S.C. § 119 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f). a) ☐ All b) ☐ Some * c) ☐ None of: 1 ☐ Certified copies of the priority documents have been received in Application No 3 ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)). *See the attached detailed Office action for a list of the certified copies not received.	St	atus							
3 ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under Ex parte Quayle, 1935 C.D. 11, 453 O.G. 213. Disposition of Claims 4 ☐ Claim(s)		1) Responsive to communication(s) filed on 10 Se	eptember 2004.						
closed in accordance with the practice under <i>Ex parte Quayle</i> , 1935 C.D. 11, 453 O.G. 213. Disposition of Clalms 4)	-	2a)⊠ This action is FINAL . 2b)□ This	action is non-final.						
4) ☐ Claim(s) 1 and 3-26 is/are pending in the application. 4a) Of the above claim(s) is/are withdrawn from consideration. 5) ☐ Claim(s) is/are allowed. 6) ☐ Claim(s) is/are rejected. 7) ☐ Claim(s) is/are objected to. 8) ☐ Claim(s) are subject to restriction and/or election requirement. Application Papers 9) ☐ The specification is objected to by the Examiner. 10) ☐ The drawing(s) filed on is/are: a) ☐ accepted or b) ☐ objected to by the Examiner. Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a). Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d). 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152. Priority under 35 U.S.C. § 119 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f). a) ☐ All b) ☐ Some * c) ☐ None of: 1. ☐ Certified copies of the priority documents have been received. 2. ☐ Certified copies of the priority documents have been received in Application No 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)). * See the attached detailed Office action for a list of the certified copies not received.		7, 7, 7, 7, 7, 7, 7, 7, 7, 7, 7, 7, 7, 7							
4a) Of the above claim(s) is/are withdrawn from consideration. 5) □ Claim(s) is/are allowed. 6) ☒ Claim(s) is/are rejected. 7) □ Claim(s) is/are objected to. 8) □ Claim(s) are subject to restriction and/or election requirement. Application Papers 9) □ The specification is objected to by the Examiner. 10) □ The drawing(s) filed on is/are: a) □ accepted or b) □ objected to by the Examiner. Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a). Replacement drawing sheel(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d). 11) □ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152. Priority under 35 U.S.C. § 119 12) □ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f). a) □ All b) □ Some * c) □ None of: 1. □ Certified copies of the priority documents have been received. 2. □ Certified copies of the priority documents have been received in Application No 3. □ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)). * See the attached detailed Office action for a list of the certified copies not received. **Attachment(s)** Notice of References Cited (PTO-892)	Di	sposition of Claims							
9) The specification is objected to by the Examiner. 10) The drawing(s) filed on is/are: a) accepted or b) objected to by the Examiner. Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a). Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d). 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152. Priority under 35 U.S.C. § 119 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f). a) All b) Some * c) None of: 1. Certified copies of the priority documents have been received. 2. Certified copies of the priority documents have been received in Application No 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)). * See the attached detailed Office action for a list of the certified copies not received. Attachment(s) Interview Summary (PTO-413) Paper No(s)/Mail Date Paper No(s)/Mail Date Paper No(s)/Mail Date Paper No(s)/Mail Date Objected to by the Examiner. Application (PTO-152)		4a) Of the above claim(s) is/are withdrawn from consideration. 5) ☐ Claim(s) is/are allowed. 6) ☐ Claim(s) is/are rejected. 7) ☐ Claim(s) is/are objected to.							
10) The drawing(s) filed on is/are: a) accepted or b) objected to by the Examiner. Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a). Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d). 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152. Priority under 35 U.S.C. § 119 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f). a) All b) Some * c) None of: 1. Certified copies of the priority documents have been received. 2. Certified copies of the priority documents have been received in Application No 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)). * See the attached detailed Office action for a list of the certified copies not received. Attachment(s) Altachment(s) Paper No(s)/Mail Date	Αp	pplication Papers							
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a). Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d). 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152. Priority under 35 U.S.C. § 119 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f). a) All b) Some * c) None of: 1. Certified copies of the priority documents have been received. 2. Certified copies of the priority documents have been received in Application No. 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)). * See the attached detailed Office action for a list of the certified copies not received. Attachment(s) Attachment(s) Paper No(s)/Mail Date.		· _							
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d). 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152. Priority under 35 U.S.C. § 119 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f). a) All b) Some colon None of: 1. Certified copies of the priority documents have been received. 2. Certified copies of the priority documents have been received in Application No 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)). * See the attached detailed Office action for a list of the certified copies not received. Attachment(s) Interview Summary (PTO-413) Paper No(s)/Mail Date Paper No(s)/Mail Date Notice of Draftsperson's Patent Drawing Review (PTO-948) Paper No(s)/Mail Date Notice of Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)									
11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152. Priority under 35 U.S.C. § 119 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f). a) All b) Some c) None of: 1. Certified copies of the priority documents have been received. 2. Certified copies of the priority documents have been received in Application No. 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)). * See the attached detailed Office action for a list of the certified copies not received. Attachment(s) Interview Summary (PTO-413) Paper No(s)/Mail Date. Notice of Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)									
Priority under 35 U.S.C. § 119 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f). a) All b) Some color None of: 1. Certified copies of the priority documents have been received. 2. Certified copies of the priority documents have been received in Application No 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)). * See the attached detailed Office action for a list of the certified copies not received. **Attachment(s) Interview Summary (PTO-413) Paper No(s)/Mail Date Paper No(s)/Mail Date Notice of Draftsperson's Patent Drawing Review (PTO-948) Paper No(s)/Mail Date Notice of Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)									
12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f). a) All b) Some * c) None of: 1. Certified copies of the priority documents have been received. 2. Certified copies of the priority documents have been received in Application No. 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)). * See the attached detailed Office action for a list of the certified copies not received. Attachment(s) Attachment(s) Attachment(s) Attachment(s) A l Interview Summary (PTO-413) Paper No(s)/Mail Date.		•		7.00.07.07.01.17.7.0.702.					
Notice of References Cited (PTO-892) Notice of Draftsperson's Patent Drawing Review (PTO-948) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) A) Interview Summary (PTO-413) Paper No(s)/Mail Date. Notice of Informal Patent Application (PTO-152)	 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f). a) All b) Some * c) None of: 1. Certified copies of the priority documents have been received. 2. Certified copies of the priority documents have been received in Application No. 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)). 								
Notice of References Cited (PTO-892) Notice of Draftsperson's Patent Drawing Review (PTO-948) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) A) Interview Summary (PTO-413) Paper No(s)/Mail Date. Notice of Informal Patent Application (PTO-152)	Atta	achment(s)							
	_	Notice of References Cited (PTO-892) Notice of Draftsperson's Patent Drawing Review (PTO-948) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)	Paper No(s)/Mail Da 5)	te					

Art Unit 1752

- 1. Claims 1 and 3-26 are rejected under 35 U.S.C. 102(b) as anticipated by or, in the alternative, under 35 U.S.C. 103(a) as obvious over European Patent Publication 917964 for the same reasons as set forth in item No. 1 of the first Office action filed April 9, 2004. Applicants' argument and the statements in the Declaration under 37 CFR 1.132 that the term "polyester" as used in the instant claims refers to condensation polymers of organic dicarboxylic acids and organic diols is unconvincing as to patentability. Polycarbonates are also regarded as a type of polyester as evidenced by Hawley's Chemical Dictionary. The term "polyester" is not defined in the claims or specification to exclude polyesters of carbonic acids. The polycarbonates of the European patent publication are disclosed as having molecular weights of 5000 to 10,000 even though 10,000-50,000 is preferred. The preferred range in the European patent publication includes 10,000 which is within the range of the instant claims.
- 2. Claims 1, 3-6, 8-10, 14, 15, 17 and 18 are rejected under 35 U.S.C. 102(b) as anticipated by or, in the alternative, under 35 U.S.C. 103(a) as obvious over Hashimoto et al. for the same reasons set forth in paragraph 2 of the first Office action. The intended use of the elements of the instant claims as an overlay on printed images does not materially distinguish them from the elements of Hashimoto et al. The overlays of the

Art Unit 1752

instant claims are not required to be clear and include tinted or colored polyester thermal transfer layers as in Hashimoto et al.

- Claims 1, 3-10, 12, 14, 15 and 17-18 are rejected under 35 U.S.C. 102(b) as anticipated by or, in the alternative, under 35 U.S.C. 103(a) as obvious over Shimomine et al. for the same reasons as set forth in paragraph 3 of the first Office action. Applicants' argument that Shimomine et al. uses different image receiving layers than those of the instant claims is unconvincing. The instant claims do not require any particular image receiving layers as does, for example, instant claim 19 not rejected over Shimomine et al. The polyesters of the thermal transfer layers in Shimomine et al. have disclosed glass transition temperature values, including 80°C, and molecular weights as required by the instant claims. The coating thickness of the transfer layers in Shimomine et al. is approximately .5-1.5 microns based on the coverage of $.3-1.5 \text{ g/m}^2$ using densities for polyester cited in applicants' remarks. barrier layers to Shimomine et al. are not the same as the disclosed thermal transfer layers in Shimomine et al.
- 4. THIS ACTION IS MADE FINAL. Applicants are reminded of the extension of time policy as set forth in 37 C.F.R. § 1.136(a). The practice of automatically extending the shortened statutory period an additional month upon the filing of

Art Unit 1752

a timely first response to a final rejection has been discontinued by the Office. See 1021 TMOG 35.

A SHORTENED STATUTORY PERIOD FOR RESPONSE TO THIS FINAL ACTION IS SET TO EXPIRE THREE MONTHS FROM THE DATE OF THIS ACTION. IN THE EVENT A FIRST RESPONSE IS FILED WITHIN TWO MONTHS OF THE MAILING DATE OF THIS FINAL ACTION AND THE ADVISORY ACTION IS NOT MAILED UNTIL AFTER THE END OF THE THREE-MONTH SHORTENED STATUTORY PERIOD, THEN THE SHORTENED STATUTORY PERIOD WILL EXPIRE ON THE DATE THE ADVISORY ACTION IS MAILED, AND ANY EXTENSION FEE PURSUANT TO 37 C.F.R. § 1.136(a) WILL BE CALCULATED FROM THE MAILING DATE OF THE ADVISORY ACTION. IN NO EVENT WILL THE STATUTORY PERIOD FOR RESPONSE EXPIRE LATER THAN SIX MONTHS FROM THE DATE OF THIS FINAL ACTION.

5. Any inquiry concerning this communication should be directed to Mr. Schilling at telephone number (571) 272-1335.

RLSchilling:cdc

October 20, 2004

PRIMARY EXAMINER
GROUP 1100 / 752

Arbuf Shall